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SK
Ct. No. 18
19.01.2021

**C.O. No. 4144 of 2013
(Via Video Conference)**

**Md. Zafirul Islam
Vs.
Board of Trustees of the Port of Calcutta**

Mr. Jayanta Samanta,
Ms. Karunamoyee Samanta ... For the petitioner.

Mr. Probal Kr. Mukherjee, Sr. Adv.,
Ms. Sujata Mukherjee ... For the opposite party.

The Estate Officer Kolkata Port Trust by the order dated July 27, 2007 under sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as the 'said Act' in short) directed eviction of the petitioner from the suit property.

The petitioner being aggrieved by the said order preferred the connected appeal under Section 9 of the said Act being Miscellaneous Appeal No. 217 of 2007 before the learned District Judge at Howrah.

September 10, 2009 was a date fixed for hearing of the said appeal but the petitioner on the said date filed an application for adjournment of the hearing of the said appeal.

The learned District Judge by the order under challenge being order no. 15 dated September 10,

2009 rejected the said application for adjournment, consequently dismissed the said appeal with costs of Rs. 5000/-.

The learned District Judge rejected the said application for adjournment as the same was not moved by the petitioner. Moreover, it was also found that the petitioner did not pay the costs imposed by the earlier order dated July 14, 2009 as the condition for grant of adjournment.

The learned District Judge did not approve the manner in which the petitioner sought to conduct the connected appeal which is quite justified in view of the mandate of Section 9(4) of the said Act to dispose of an appeal under Section 9 of the said Act as expeditiously as possible.

This Court, therefore, does not find any reason to interfere with the order impugned.

C.O. 4144 of 2013 is dismissed.

No order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)